

1 BILL NO. R-82- 11-17

2 RESOLUTION NO. R- 61-82

3 A RESOLUTION FINDING, DETERMINING
4 AND RATIFYING AN INDUCEMENT RESOLUTION
5 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
6 AUTHORIZING THE ISSUANCE AND SALE OF
7 \$10,000,000 ECONOMIC REVENUE BONDS OF THE
8 CITY OF FORT WAYNE, INDIANA,
9 FOR THE PURPOSE OF INDUCING THE APPLICANT,
10 FORT WAYNE CENTER ASSOCIATES
11 TO PROCEED WITH THE ACQUISITION
12 CONSTRUCTION AND EQUIPPING OF THE PROJECT.

13 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is
14 authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue
15 bonds for the financing of economic development facilities, the
16 funds from said financing to be used for the acquisition,
17 construction and equipping of said facilities, and said facili-
18 ties to be either sold or leased to another person or directly
19 owned by another person; and

20 WHEREAS, Fort Wayne Center Associates (the "Applicant") has
21 advised the Fort Wayne Economic Development Commission and the
22 Issuer that it proposes that the Issuer acquire and equip an
23 economic development facility and sell and/or lease the same to
24 the Applicant or loan proceeds of an economic development
25 financing to the Applicant for the same, said economic develop-
26 ment facility to be an approximately 250 room module hotel with
27 customary hotel amenities including but not limited to bars,
28 restaurants, specialty shops and catering, located on a 40,500+
29 square foot parcel on a portion of the block bordered by
30 Jefferson, Washington, Calhoun and Harrison, in the City of
31 Fort Wayne, Indiana (the "Project"); and

32 WHEREAS, the diversification of industry and an increase in
approximately 250 jobs upon completion and 367 jobs within three
years to be achieved by the acquisition and construction and
equipping of the Project will be of public benefit to the
health, safety and general welfare of the Issuer and its

1
2 citizens; and

3 WHEREAS, having received the advice of the Fort Wayne
4 Economic Development Commission, it would appear that the
5 financing of the Project would be of public benefit to the
6 health, safety and general welfare of the Issuer and its
7 citizens; and

8 WHEREAS, the acquisition and construction of the faci-
9 lity will not have an adverse effect on any similar facility
10 already constructed or operating in or about Fort Wayne,
11 Indiana.

12 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
13 THE CITY OF FORT WAYNE, INDIANA:

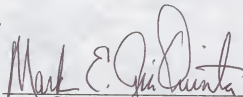

14 SECTION 1. The Common Council finds, determines, rati-
15 fies and confirms the promotion of diversification of economic
16 development and job opportunities in and near Fort Wayne,
17 Indiana and in Allen County, is desirable to preserve the
18 health, safety and general welfare of the citizens of the
19 Issuer; and that it is in the public interest that Fort Wayne
20 Economic Development Commission and said Issuer take such action
21 as it lawfully may to encourage diversification of industry and
22 promotion of job opportunities in and near said Issuer.

23 SECTION 2. The Common Council further finds, deter-
24 mines, ratifies and confirms that the issuance and sale of reve-
25 nue bonds in an amount not to exceed \$10,000,000 of the Issuer
26 under the Act for the acquisition, construction and equipping of
27 the Project and the sale or leasing of such a financing to the
28 Applicant for such purposes will serve the public purpose
29 referred to above, in accordance with the Act.

30 SECTION 3. In order to induce the Applicant to proceed
31 with the acquisition, construction and equipping of the Project,
32 the Common Council hereby finds, determines, ratifies and con-
firms that (i) it will take or cause to be taken such actions

1 pursuant to the Act as may be required to implement the afore-
2 said financing, or as it may deem appropriate in pursuance
3 thereof, provided that all of the foregoing shall be mutually
4 acceptable to the Issuer and the Applicant; and (ii) it will
5 adopt such ordinances and resolutions and authorize the execu-
6 tion and delivery of such instruments and the taking of such
7 action as may be necessary and advisable for the authorization,
8 issuance and sale of said economic development bonds.

9 SECTION 4. All costs of the Project incurred after the
10 passage of this Inducement Resolution, including disbursement or
11 repayment of the Applicant of monies expended by the Applicant
12 for planning, engineering, interest paid during construction,
13 underwriting expenses, attorney and bond counsel fees, acquisi-
14 tion, construction and equipping of the Project will be per-
15 mitted to be included as part of the bond issue to finance said
16 Project, and the Issuer will thereafter either sell or lease the
17 same to the Applicant or loan the proceeds of such financing to
18 the Applicant for the same purposes.

19 
20 _____
21 COUNCILMAN
22 

23
24 APPROVED AS TO FORM AND
25 LEGALITY.

26 
27 _____
28 John J. Wernet, Attorney for the
29 Economic Development Commission
30 Dated this 18th day of November, 1982
31
32

Read the first time in full and on motion by GiaQuinta, seconded by Burns, and duly adopted, read the second time by title and referred to the Committee Home (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____.M., E.S.T.

DATE: 11-23-82

C. W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Burns, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-14-82

C. W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. B-61-82 on the 14th day of December, 1982.

ATTEST:

(SEAL)

C. W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock P..M., E.S.T.

C. W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 17th day of December 1982, at the hour of 4 o'clock P..M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

74

2

4403

INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT

COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$10,000,000

ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA,

FOR THE PURPOSE OF INDUCING THE APPLICANT, FORT WAYNE CENTER

ASSOCIATES TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND

EQUIPPING OF THE PROJECT

BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE 80 PASS.

MARK E. GiaQUINTA, CHAIRMAN

PAUL M. BURNS, VICE CHAIRMAN

JAMES S. STIER

VICTURE L. SCRUGGS

DONALD J. SCHMIDT

ORDINANCE 80 PASS.
Mark 0000

James I. Stein
Victor Scripps
O. S. Schmidt
1885

12-14-82

CONTINUED IN

DATE _____ CARLOS W. WESTERMAN, CITY CH

DIGEST SHEET

TITLE OF ORDINANCE Resolution Q-82-11-17

DEPARTMENT REQUESTING ORDINANCE Economic Development Commission

SYNOPSIS OF ORDINANCE Acquisition and construction of facility to be
an approximately 250 room module hotel with customary hotel amenities
including but not limited to bars, restaurants, specialty shops and
catering, located on a portion of the block bordered by Jefferson,
Washington, Calhoun and Harrison Sts. in the City of Fort Wayne, on
application of Fort Wayne Center Associates.

EFFECT OF PASSAGE Construction of 250 room module hotel creating 250
jobs upon completion and 367 jobs within three years at an annual
payroll of \$3,500,000 to \$5,000,000.

EFFECT OF NON-PASSAGE None of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$10,000.000.00

ASSIGNED TO COMMITTEE (PRESIDENT) _____

APPLICATION TO FORT WAYNE, INDIANA
ECONOMIC DEVELOPMENT COMMISSION,
FOR ECONOMIC DEVELOPMENT
REVENUE BOND FINANCING

- (1) Applicant's name

Fort Wayne Center Associates

- (2) Address of Applicant's Principal Office and Place of Business.

Post Office Box 1655
Little Rock, AR 72203

- (3) Type of organization under which the Applicant does business
(e.g. corporation, partnership, sole proprietorship, joint venture).

Joint Venture

- (4) Under the laws of what State is the Applicant organized?

Indiana

- (5) Business or business in which applicant is engaged?

Development, ownership, and investment in real
property and businesses ancillary thereto, including
ownership of a hotel.

- (6) Is the applicant qualified to do business in Indiana?

Yes

(7) Please list names and titles of principal operating personnel.

Ralph A. Stogner	Partner
Bob Joblin	Partner

(8) Please list names of all persons or firms having an ownership interest of 10% or more in the applicant.

same as above

(9) Please list names of any persons who are both (a) shareholders or holders of any debt obligation of the applicant; and (b) officers or members of the Economic Development Commission; or members of the Common Council of the City; or members of the Allen County Council.

(a) none

(b) none

(c) none

(10) Has any person listed been (a) convicted of a felony, (b) convicted of or enjoined from any violation of state or federal securities laws, or (c) a part to any consent order or entry with respect to an alleged state or federal securities law violation, in each case within ten years preceding the date of this application?

No

(11) What is applicant's net worth as of the end of the calendar or fiscal year quarter next preceding the date of the application?

Applicant is newly formed and was not in existence at the end of the calendar quarter preceding date of application.

(12) How long has applicant been in business (a) under its present name, and (b) under any prior names? Please supply, if applicable.

See answer 11. Applicant had no prior name.

(13) What is the proposed amount of the bond issue?

\$10,000,000.00

(14) How are the proceeds of the issue to be used? (Itemize by category of expenditure)

The proceeds are to be used to acquire the site for the convention/civic center hotel and to construct thereon a hotel having approximately 250 rooms.

Underwriter's Discount	\$ 500,000
Construction	9,350,000
Cost of Issue	150,000

(15) If the proceeds of the issue are not estimated to be sufficient to acquire, construct and/or remodel, and equip the proposed project, itemize the additional expenditures which will be necessary and indicate the source of such funds.

UDAG	\$ 2,600,000
Local Investor Second Mortgage	1,250,000
Equity	3,550,000

(16) Where is the proposed project to be located? (Give street address and legal description as it appears on auditor's records).

A 40,500± square foot site described as being all or parts of Lots 418, 419, 420, 421, 422, 423, 451, 452, 453, and parts of the east/west vacated alley all in Hanna's Addition to the City of Fort Wayne.

(17) Describe facilities to be constructed. (Provide architect's rendering if available).

Approximately 250 room module hotel with customary hotel amenities and support elements.

(18) Is the project solely within the city limits of Fort Wayne? (If not, give the name of the township and/or other municipality in which it is located).

Yes

(19) Is the property solely within the Fort Wayne Community School District? (If not, state the name of the School District in which it is located).

Yes

(20) What is the approximate size of the tract or parcel on which the property is to be situated?

40,500± square feet

(21) If the proposed project or a portion thereof is to be leased to another entity or entities, name the entity or entities and describe the portion to be leased. If no lease is contemplated, please indicate.

No lease is contemplated at this time.

(22) What is the nature of the business to be conducted at this location?

Operation of a hotel and businesses ancillary thereto, such as bars, restaurants, catering, specialty shops, etc.

(23) Does existing zoning clearly permit construction and operation of the proposed project?

(a) - What is the existing zone?

B3A

(b) - What zone does project require?

B3A

(24) Will the proposed project have ready access to (a) water, and (b) sewers? If not, state how it is intended to obtain access to those utilities.

(a) Yes

(b) Yes

(25) Are septic tank or other temporary sewage treatment and disposal facilities to be used in lieu of sewers?

No

(26) Describe briefly any adverse environmental impact anticipated by reason of operation of the proposed project, with particular reference to air, noise or water pollution.

None

(27) If the project is constructed, will any existing jobs be lost by reason of reduction or cessation of operations (a) in the City, (b) in Allen County, or (c) elsewhere in the State of Indiana?

- (a) No
- (b) No
- (c) No.

(28) Describe briefly by category the nature of the new jobs to be created.

	<u>Low</u> <u>Income</u>	<u>Moderate</u> <u>Income</u>	<u>Above</u>	<u>Total*</u>
Hotel	82	144	59	285
Civic Center	10	12	2	24
Retail		7	1	8
Banquet/Catering	45	5		50
				367

*Based upon third full year of operation

(29) State the number of new jobs to be created (a) immediately after the proposed facilities are placed into operation, and (b) within three years thereafter.

- (a) 250
- (b) 367

(30) What additional annual payroll will the new jobs generate (a) immediately after the proposed facilities are placed into operation, and (b) within three years thereafter.

- (a) \$3,500,000
- (b) \$5,000,000

(31) If the proposed project would not be approved for tax-exempt financing, is there any substantial possibility that loss of existing jobs would occur in (a) the City, (b) the County, or (c) the State of Indiana? If the answer to either (a), (b) or (c) is affirmative, what would be the approximate number of jobs lost and the approximate net annual dollar amount of payroll loss?

No

(32) Has the proposed project been informally reviewed by bond counsel to determine whether it is in accordance with the applicable state and federal law? If so, by what firm of bond counsel?

Waring, Cox, Sklar, Allen, Chafetz & Watson

(33) Have tentative or final arrangements been made for sale of the bonds? Describe briefly any such arrangements.

Yes, but an underwriter has not been selected yet.

(34) Describe briefly the proposed method of financing. (Direct, loan, lease, sale, etc.)

Sale of bonds authorized by the City of Fort Wayne to create a first mortgage lien on the facility.

FORT WAYNE CENTER ASSOCIATES

Name of Applicant

BY: 

Its: 

Dated this Fifteenth day of November, 1982.

State name, address and phone number of person to be contacted and given notice about this applicant:

Mr. Charles Weinraub, Attorney
Hunt, Suedhoff, Borrer & Eilbacher
900 Inland Building
Fort Wayne, IN 46802
423-1311



915 South Clinton
Fort Wayne, Indiana 46802

Member FDIC

November 11, 1982

Mr. Bob Joblin
Fort Wayne Center Associates
P. O. Box 1655
Little Rock, Arkansas 77203

Dear Mr. Joblin:

Mr. Doermer and I were very pleased to learn of your plans to develop the convention center hotel in downtown Fort Wayne. Our bank is interested in assisting your company in any way possible.

Specifically, Indiana Bank is interested in organizing the interim, construction financing package for the project as the "lead" lender. We understand that a loan of up to \$9,600,000 would be required after additional monies from private investment and an Urban Development Action Grant have been committed.

Any agreement to go forward with the construction loan request would be conditioned upon satisfactory permanent financing arrangements, specific documentation on the borrower and evidence of a firm U.D.A.G. commitment to this project. Other conditions of the loan will be itemized in detail after we have received a formal application.

Your efforts to move forward with this project are most encouraging to a community which has had more than its share of bad news this year. We are anxious to play a role in bringing this important addition to the downtown.

Sincerely,


Darrell L. Blanton
Executive Vice President

DLB:bdb

INDUCEMENT RESOLUTION OF
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
ON APPLICATION OF
FORT WAYNE CENTER ASSOCIATES

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by Indiana Code Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to the user or developer; and

WHEREAS, Fort Wayne Center Associates (the "Applicant"), has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be an approximately 250 room module hotel with customary hotel amenities including but not limited to bars, restaurants, specialty shops and catering, located on a 40,500+ square foot parcel on a portion of the block bordered by Jefferson, Washington, Calhoun and Harrison, in the City of Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities to be achieved by the acquisition of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens or the citizens of Allen County, Indiana; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Allen County, Indiana.

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission hereby finds and determines that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.
2. The Commission hereby finds and determines that the issuance and sale of economic development revenue bonds in an amount of approximately \$10,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Commission hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

4. All costs of the Project which may be financed under the Act will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell or lease the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes.

5. This Resolution shall expire 180 days after the date of its adoption unless the Applicant either requests the Commission to adopt a final resolution approving closing documents or requests an extension from the Commission, which extension shall be granted upon good cause being shown.

ADOPTED this ____ day of _____, 1982.

FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION



Sidney A. Shera



Timothy Borne



Charles M. Henry



Phil A. Howard



Stan Lipp

OF ECONOMIC DEVELOPMENT FACILITIES FOR

Fort Wayne Center Associates

Having been furnished certain data by the above applicant, and having had discussions with representatives of said applicant, the Fort Wayne Economic Development Commission now submits the following report pursuant to Indiana Code 36-7-12-1 et seq.

Description of Proposed Facilities

The project consists of the acquisition of the site for a convention civic center hotel and to construct thereon a hotel having approximately 250 rooms.

Estimate of Public Services Required

All public services, including water and sewage, now exist. No public facilities will be made necessary on account of the proposed facilities.

Total Project Cost

The total project cost for the purchase, construction and equipping of the facilities is estimated to be \$ 10,000,000.00, including costs of issuance of the economic development revenue bonds.

Number of Jobs and Estimated Payroll

It is anticipated there will be approximately 250-367 new jobs created by this project with an estimated payroll increase of approximately \$3,500,000-
annually. \$5,000,000

Adverse Competitive Effect

The construction of the facilities will not have an adverse competitive effect on any similar facilities already constructed or operating in or near Fort Wayne, Indiana.

Dated this 18th day of November, 1982.

Sidney R. Sheray

Charles Henry

Timothy Borne

Phil A. Howard

Stan Lipp